

REMARKS/ARGUMENTS

Prior to this response, claims 1-4, 6, 7 and 9-21 were pending in this application. Claims 1-9 have been canceled. No claims have been amended or added. Therefore, claims 10-21 remain pending in this application. Applicants respectfully request reconsideration of these claims for at least the reasons presented below.

In addition, the Applicants would note that claim 21, which was added in the response to the Office Action mailed November 29, 2006, while indicated as rejected on the cover sheet, no reason for the rejection was provided in the detailed action. The Applicants would respectfully request that claim 21 either be allowed or a reason for rejection be provided.

35 U.S.C. § 101 Rejection, Non-statutory matter

The Office Action has rejected claims 1-9 under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. Specifically, the Office Action argues that claims 1-9 “do not indicate use of hardware on which the software runs to perform the steps recited in the body of the claim, and thus being [sic] directed towards being nonfunctional descriptive material.” The Applicants respectfully continue to traverse the rejection of these claims as being directed to non-statutory matter for at least the reasons provided in the response to the Office Action mailed on November 29, 2006. However, for the sake of expediency, the Applicants have canceled claims 1-9 herein. Nonetheless, the Applicants respectfully reserve the right to pursue these claims in one or more continuations of this application.

35 U.S.C. § 102 Rejection, Elwahab

The Office Action has rejected claims 1-10, 17 and 18 under 35 U.S.C. §102(b) as being anticipated by U. S. Publication No. 2001/0034754 A1 of Elwahab et al. (hereinafter “Elwahab”). As an initial matter, the Applicants respectfully point out that claims 1-9 have been canceled, thereby rendering the rejection of these claims moot. The Applicants respectfully

submit the following arguments pointing out significant differences between claims 10, 17 and 18 submitted by the Applicants and Elwahab.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully argue that Elwahab fails to disclose each and every claimed element. For example, Elwahab fails to disclose, either expressly or inherently, abstraction or distinction of content objects as recited in the pending claims. Furthermore, Elwahab fails to disclose, either expressly or inherently, abstracting a content object from one content object entity and then distinguishing the abstracted content object so it is compatible with a second content object entity. Elwahab also fails to disclose, expressly or inherently, grouping sources of content objects as recited in the pending claims.

Elwahab is directed to "a Markup-Language-type content server used in conjunction with a customer premise gateway, via Markup-Language-type pages (e.g., HTML, XML, and the like), remote access and control of smart devices, appliances, personal computers, and other devices and systems connected at a customer premise via different communication means and protocols." (para 3) That is, Elwahab discloses a system for allowing a user to remotely control appliances within his home, e.g., HVAC, lighting, security system. (para. 9).

As defined for example on page 5, paragraph 20 of the detailed description of the pending application, a content object is defined as "content maintained as an accessible object that can be accessed, utilized, and/or stored." Furthermore, examples of such content "include, but [are] not limited to, traditional content including movies, music, games, voicemails, emails, software, security video, emergency alerts, and any other content that comes to the home or can be requested from the network via providers." (para. 24) Elwahab does not disclose abstraction or distinction of such content. For example, Elwahab does not disclose abstraction or distinction of video objects, audio objects, etc. or grouping sources of such objects into sources and

destinations. Rather, Elwahab describes a system for allowing a user to remotely control appliances within his home, e.g., HVAC, lighting, security system.

The Office Action argues that Elwahab teaches abstraction and distinction of content objects. The Applicants respectfully disagree. The Office Action discusses how the software drivers disclosed in Elwahab distinguishes information (by distinction) from an abstraction layer. The Office Action suggests this functionality allows the software driver to distinguish information that it is directed to the appropriate device. This, however, is not what is claimed with respect to the distinction engine in the pending claims. The distinction engine allows different content objects to be made compatible with different content object entities. Claim 10 involves first abstracting content objects from one content object entity then distinguished the abstracted content object so that the resulting content object is now compatible with a different content object entity.

For example, paragraphs 33 and 36 of the detailed description of the pending application disclose one possible example where an abstraction engine would access a MPEG video (a first content object) stored on a recorded video media (a first content object entity) and decompress it to create an uncompressed digital video object (a second content object entity). The distinction engine could that format that digital video object into another format, like an NTSC video signal (a third content object), so that the newly formatted content object could be played on a regular television set (a second content object). Elwahab does not teach or suggest all these elements as recited in claim 10, specifically, a distinction engine that could conform a content object to a second content object entity.

Claim 10, upon which claim 17 depends, recites in part, "accessing a first content object from a first content object entity within a customer's premises, wherein the first content object is in a first content format; abstracting the first content object to create a second content object in an abstract format, wherein the abstract format is compatible with a plurality of content formats; distinguishing the second content object to create a third content object, wherein the

third content object is in a second content format that is compatible with a second content object entity within the customer's premises." Elwahab does not disclose abstraction or distinction of content objects. Furthermore, Elwahab does not disclose abstracting a first content object from a first content object entity and then distinguishing the resulting second content object into a third content object that is compatible with a second content object entity. Elwahab describes a system for allowing a user to remotely control appliances within his home, e.g., HVAC, lighting, security system.

For at least these reasons, the Applicants respectfully request withdrawal of the rejection and allowance of claims 10 and 17.

For similar reasons as argued above and additional reasons, Claim 18 should also be allowed. The Office Action argues that at paragraph 9 of Elwahab there is a teaching of grouping sources of content objects. However, the cited paragraph does not appear to teach the recited claim language of claim 18 which includes two different groupings of content object entities where one grouping of entities is the sources of content objects and one grouping of entities is the destinations of content objects. Furthermore, the sections of Elwahab cited by the Office Action only appears to talk about entities without any connection with content objects. This leads to a further problem with Elwahab in that it does not teach or suggest, either explicitly or implicitly, the grouping of different content object entities based on whether they are either the source or destination of content objects along with a guide that allows content objects to be directed from one content object entity to another.

Claim 18 recites in part "identifying content object entities within the customer premises; grouping the identified content object entities into a first plurality of content object entities and a second plurality of content object entities, wherein the first plurality of content object entities are sources of content objects, and wherein the second plurality of content object entities are destinations of content objects." As argued above with respect to claims 10 and 17, Elwahab fails to disclose content object entities that are sources of content objects that are

different than content object entities which are the destination of those content objects. Elwahab also fails to disclose, expressly or inherently, grouping sources of content objects. Rather, Elwahab describes a system for allowing a user to remotely control appliances within his home, e.g., HVAC, lighting, security system.

For at least these reasons, the Applicants respectfully request withdrawal of the rejection and allowance of claim 18.

35 U.S.C. § 103 Rejections, Elwahab in view of Jeffrey

The Office Action has rejected claims 11-14, 16, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over Elwahab as applied to claims 1-10 and 17-19 above, in view of U.S. Patent No. 6,576,981 of Jeffrey (hereinafter “Jeffrey”). As discussed above, claim 10, upon which claims 11-14 and 16 depend, and claim 18, upon which claims 19 and 20 depend, are thought to be allowable. Therefore, claims 11-14, 16, 19 and 20 are also thought to be allowable at least by virtue of their dependence on an allowable base claim.

35 U.S.C. § 103 Rejections, Elwahab in view of Jeffrey and further in view of Baer

The Office Action has rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Elwahab and Jeffrey, in view of U.S. Patent No. 6,611,840 of Baer et al (hereinafter “Baer”). As discussed above, claim 10, upon which claim 15 depends, is thought to be allowable. Therefore, claim 15 is also thought to be allowable at least by virtue of its dependence on an allowable base claim.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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